



PATENT
Docket No. 1232-4507

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Yuichi HIRAI

Serial Number : 09/243,714

Group Art Unit: 2612

Filed : February 3, 1999

Examiner: L. Ye

Title : IMAGE PROCESSING APPARATUS AND METHOD

#16
BA 4/28/04

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

RECEIVED

Commissioner for Patents
Washington DC 20231

APR 26 2004

Technology Center 2600

Sir:

In the In response to the Election Requirement mailed March 24, 2004 in the above-identified application, kindly consider the following election:

ELECTION:

The Examiner, in the Office Action dated March 24, 2004, required election of one of the following species:

Species I, covering Figure 2;

Species II, covering Figure 5; and

Species III, covering Figure 8.

In response to the Examiner's requirement, Applicant hereby provisionally elects Species III, shown in Figure 8 which reads at least on Claims 16-27, 42-53 and 55. Further, the Examiner indicated that claims 1, 28 and 54 are generic. Accordingly, Applicant respectfully requests examination of **claims 1, 16-28 and 42-55** on the merits. Upon allowance of any generic claim, consideration of the additional species is respectfully requested. This election is made with traverse.

Applicant respectfully submits that for such a requirement to be proper, "[t]here must be a serious burden on the examiner if restriction is not required." MPEP §803. Applicant respectfully

submits that (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the restriction/election requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

If any issues exist, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned at the telephone number below.

AUTHORIZATIONS:

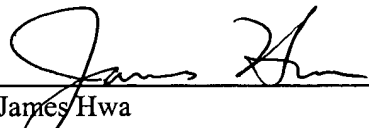
The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this paper, or credit any overpayment to Deposit Account No. 13-4503, Order No. 1232-4507.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: April 23, 2004

By: _____


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